

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-0858V

Filed: September 17, 2015

Unpublished

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KAREN C. BONNER,

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Petitioner,

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v.

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Attorney Fees and Costs; Stipulation

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SECRETARY OF HEALTH AND  
HUMAN SERVICES,

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Respondent.

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*Temple W. Cabell, Esq., Cabell Law Firm, P.C., Richmond, VA, for petitioner.  
Glenn MacLeod, Esq., U.S. Dept. of Justice, Washington, DC for respondent.*

### **DECISION ON ATTORNEY FEES AND COSTS<sup>1</sup>**

**Dorsey**, Chief Special Master:

On September 17, 2014, Karen C. Bonner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the “Vaccine Act” or “Program”]. Petitioner alleges that she suffered a shoulder injury after receiving the Fluzone [“flu”] vaccine on October 13, 2011. Petition at 1. On June 17, 2015, a decision was issued awarding compensation to petitioner based on respondent’s proffer to which petitioner agreed.

On September 3, 2015, the parties filed a Stipulation of Facts Regarding Final Attorneys’ Fees and Costs. According to the stipulation, the parties agree upon an

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

award of \$26,985.18 for attorney's fees and costs. In accordance with General Order #9, petitioner's counsel represents that petitioner incurred no out-of-pocket expenses in this case. Stipulation, ¶ 4.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). The proposed amount is reasonable.

**Accordingly, I award the total of \$26,985.18<sup>3</sup> as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel Temple W. Cabell.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
**Nora Beth Dorsey**  
Chief Special Master

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<sup>3</sup> This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).